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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,130	09/26/2003	Christopher W. Ramirez	DC-05161	6077
7590	03/07/2006		EXAMINER	
Stephen A. Terrile HAMILTON & TERRILE, LLP PO Box 203518 Austin, TX 78720			LE, NANCY LOAN T	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/672,130	RAMIREZ ET AL.
	Examiner NANCY LOAN T. LE	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 and 13-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02 December 2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

This action is responsive to Amendment filed on 12/02/2005 in which claims 1, 3, 7, 8, 11, 13, 17 and 18 are amended, and claims 2 and 12 are canceled; and all other claims remain the same. Therefore, claims 1-11, 13-20 are now pending in the present application.

Status of Claims

Claims 1-11, 13-20 have been examined.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/02/2005 was filed after the mailing date of the application filed on 09/26/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

Applicant's arguments filed 12/02/2005 have been fully considered but they are not persuasive.

Claims 1-20 were rejected under 35 U.S.C. §102(b) for anticipation by Horstmann (U.S. Patent No. 6,009,401) (hereinafter the '401 patent).

With regards to claims 1, 11 and 17, the Applicant's argues:

1. The prior art does not teach '***remote restoration***' of software that was installed on an information handling system memory (i.e., computer memory) ...

The Office respectfully disagrees with the Applicant's arguments because the Office does not see any functional differences between '***remote restoration***' and '***remote downloading***', as taught by the prior art (col. 4, lines 6-11, col. 5, line 10). Therefore, remote downloading and remote restoration are functionally equivalent, as demonstrated by claim language of "installing software application..." in independent claims 1, 11 and 17.

2. The prior art does not teach "***obtaining a machine's unique value that uniquely identifies an information handling system (i.e., computer) which was established during manufacture of the machine***".

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The Office respectfully disagrees with the Applicant's arguments because the prior art teaches the aspects of the "machines ID/serial number" that uniquely identifies the machine (column 5, lines 1-10). Inherently speaking, a computer's serial number was established by the manufacturer.

3. The prior art does not teach "*remote restoration which includes installing software in computer*"...

The Office respectfully disagrees with the Applicant's arguments because during restoration/installation, the "machine ID" gets verified or authenticated (column 5, lines 12-16).

4. The prior art does not teach, "*during restoration, providing a promotion code which re-enabled a post purchase benefit*".

The Office respectfully disagrees with the Applicant's arguments because a "*promotion code*", in terms of functionality, is a unique value that identifies the machine/computer. Providing the user with the capability to reinstall the software, after it was purchased is clearly a post purchase benefit provided by the prior art. In this case, in the event that the software gets erased or wiped out during a hardware failure, the promotional code/machine ID gets validated (column 5, lines 1-16), and the software can get re-downloaded or re-licensed (column 2, lines 62-63, col. 5, lines 25-26).

In conclusion, claims 1-11, 13-20 stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is (571) 272-7066. The examiner can normally be reached on Monday-Thursday, 7am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on (571) 272-6712. *For official/regular communication*, the fax number for the organization where this application or proceeding is assigned is (571) 273-8300. *For informal/draft communication*, the fax number is (571) 273-7066 (rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hand-delivered responses should be brought to:

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NL

21 February 2006

*JAMES P. TRAMMELL
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